



**Oupa Joe**  
(Andries van Tonder)  
*Still serving  
when possible*

**Take Notice: Information usually supplied by Oupa, is based on his opinion reading - The Constitution, Conventions, law, Case Law, Rules, Regulations and Standards in the Republic of Ireland only.**

**This document should not be interpreted as legal advice.**

**Please consult with your legal representative and other advisors.**

# Addressing Parental Alienation

## *(Unjustified Parental Estrangement)*

(Written for Ireland)

Oupa Joe. August 2024 ([oupa@oupajoe.ie](mailto:oupa@oupajoe.ie))

4th update: 24 October 2024

## Summary

### ***The problems identified and suggested solutions:***

- 1) The overriding problem is that Law Enforcement, the Judiciary, Child Protection, Legal Professionals and others are not educated, or refuse to acknowledge that **parental alienation, is an allegation of several summary and/or indictable offences committed. There is no exception. An unfounded accusation is also an offence.**
  - (a) All the professionals mentioned above, should be educated to understand and recognise any single one of the many offences identified during alienation behaviours.
  - (b) Law enforcement and other legal professionals must be informed about the High Court declaration known as “918JR”, confirming that offences committed during in-camera proceedings can be reported, investigated and prosecuted according to law.
  - (c) Law enforcement should be educated that an offence committed during “civil proceedings” should be addressed as an offence and not be interpreted as a civil matter.
  - (d) Any allegation of parental alienation should be reported to the Gardai as an alleged offence and an investigation should be initiated without any delay.
  - (e) Any unsubstantiated report of parental alienation should be treated as a false report that is prosecutable under the law.
- 2) The term “Parental Alienation” evolved into a term that is frowned upon and should not be used by non-professionals anymore. One of the following suggestions should be considered:
  - (a) MOCDUPE - (Multiple Offences Committed During Unjustified Parental Estrangement) or
  - (b) UPE - (Unjustified Parental Estrangement) or
  - (c) any other suitable term.
- 3) Many “Court Report Writers” (S.32, S46, S20 and more) are not morally and/or academically qualified to effectively assist the Court.

- (a) “Court Report Writers” assisting the Court in alleged matters of alienation should be limited to professionals
  - (i) proven as Parental Alienation Knowledgeable, to eliminate present dishonest money-grabbing unqualified individuals. They should be recognised by the Parental Alienation Association Ireland (PAAI)<sup>1</sup>, or any other body recognised by the International Parental Alienation Study Group (PASG)<sup>2</sup>.
  - (ii) registered with a professional organisation or association
  - (iii) having personal valid professional liability insurance
- (b) The exorbitant financial outlays, usually demanded from, and paid by the target parent(s) need urgent addressing.

## Outline

- 4) As a result of rhetoric, inappropriately manufactured claims trying to please some groups, greed for money, and more, the simple series of crimes involved in this subject is turned into a highly contested "science" that ignores the relevant offences not addressing it, and ignores the impact on the victims.
- 5) There is sufficient legislation in Ireland almost fully to address parental alienation and unjustified parental estrangement.
- 6) Some adjustments to the existing legislation and procedures, enforcing the existing laws, and eliminating the misuse of the in-camera rule and court proceedings will eliminate and address the existing obstacles.

## General

- 7) **Parental alienation strategies are unlawful actions.** It is not recognised as a psychological or psychiatric illness. As in the case of other offences e.g. theft or murder, the perpetrator may suffer from one or more conditions. There are some offences directly resulting from a psychological condition that is listed in DSM and IDC, e.g. kleptomania.
- 8) The physical and psychological effects and outcomes on the victims of the offences are all listed in DSM and IDC.
- 9) Alienation strategies are not lawful sanctions. It is defined as offences in existing Irish law.
- 10) The child and the target parent(s) are victims.
- 11) The effects and outcomes of the alienation strategies do have a stress-induced physical and psychological impact on the victims.
- 12) Alienation strategies cause Adverse Childhood Experiences (ACEs) for the child.
- 13) Alienation strategies at an early age cause Early Life Stress (ELS) in the child.
- 14) Alienation strategies result in inhumane and degrading treatment of the target parent and its family.
- 15) Unjustified enforced estrangement is alienation.

---

1 [www.paai.ie](http://www.paai.ie)

2 [www.pasg.info](http://www.pasg.info)

## Terminology

16) The reader should take note of the terminology that applies to Parental Alienation. Refer to: <http://oupajoe.ie/pa/Completed/Alienation%20Terminology.pdf>

## Offences

17) The author identified the several offences committed during the parental alienation process. Refer to: <http://oupajoe.ie/pa/Completed/Alienation%20offences%20v11.pdf>

## Enactments in Other Jurisdictions

18) Most enactments do not use the term "Parental Alienation" but the meaning is the same.

19) The clear facts highlighted are the cruelty to children, reckless endangerment, inhumane and degrading treatment of the victims and contempt of the Court.

## Some relevant enactments and Motions (See links in footnotes)

20) [The Danish Act on Parental Responsibility](#) <sup>3</sup>

21) [Brazilian Enactment on Parental Alienation](#) <sup>4</sup>

22) [Mexican Enactment on Parental Alienation](#) <sup>5</sup>

23) [Puerto Rico Enactment on Parental Alienation](#) <sup>6</sup>

24) [Romania changes the Child Protection Act \(Law 272/2004\)](#) <sup>7</sup>

25) [Dutch Parliament action plan 33 836: Personal and Family Law No. 74](#) <sup>8</sup>

## Noteworthy Case Law

26) [India - Case law - HIGH COURT OF KERALA AT ERNAKULAM](#) <sup>9</sup>

27) [A.T. v. ITALY \(Application no.40910/19\)](#) <sup>10</sup>

28) [MOCDUPE Submission \(South Africa\)](#). <sup>11</sup>

## Several EU jurisdictions:

29) Reacting to ECtHR rulings regarding offences not investigated and prosecuted, offences committed during in-camera proceedings are now investigated and prosecuted.

30) The simple but true statements by several Ministers and Superior Court Judges ruled that parental alienation behaviours are reckless endangerment of the child and are causing serious harm.

---

3 [http://oupajoe.ie/pa/Completed/Danish\\_Act\\_on\\_Parental\\_Responsibility\\_transl2021.pdf](http://oupajoe.ie/pa/Completed/Danish_Act_on_Parental_Responsibility_transl2021.pdf)

4 <http://oupajoe.ie/pa/Completed/PA%20Law%20Brazil.pdf>

5 <http://oupajoe.ie/pa/Completed/PA%20Law%20Mexico.pdf>

6 <http://oupajoe.ie/pa/Completed/PA%20Law%20Puerto%20Rico.pdf>

7 <https://www.pasg.no/artikler/romania-passed-an-anti-alienation-law>

8 <https://zoek.officielebekendmakingen.nl/kst-33836-74.html>

9 <http://oupajoe.ie/pa/Completed/India%20HC%20PA.pdf>

10 [http://oupajoe.ie/pa/Completed/CASE%20OF%20AT%20v%20%20ITALY%20%28Application%20no.40910\\_19%29.pdf](http://oupajoe.ie/pa/Completed/CASE%20OF%20AT%20v%20%20ITALY%20%28Application%20no.40910_19%29.pdf)

11 <http://oupajoe.ie/pa/Completed/MOCDUPE%20Submission.pdf>